



Postal Registration No. N. E.—771/2006-2008

The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 77

Shillong, Wednesday, September 5, 2012,

14th Bhadra, 1934 (S.E.)

PART - V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 5th September, 2012.

No.LB.60/LA/2012/3.—The Meghalaya Police (Amendment) Bill, 2012 introduced in the Meghalaya Legislative Assembly on the 5th September, 2012 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA POLICE (AMENDMENT) BILL, 2012

A

Bill

to amend the Meghalaya Police Act, 2010.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

Short title and commencement.

1. (1) This Act may be called the Meghalaya Police (Amendment) Act, 2012.
(2) It shall come into force at once.

Amendment of section 29 of Act No. 7 of 2011.

2. In section 29 of the Meghalaya Police Act, 2010, in sub-section (2), for the word "Matriculation" the words "Class nine passed from a recognized school" shall be substituted.

STATEMENT OF OBJECT AND REASONS

With a view to addressing the huge unemployment problem in the State and also to ensure that the unemployed youth in the interior areas do not get attracted to militancy and crime, the State Security Commission had recommended that the minimum educational qualification for recruitment to the post of Armed Branch Constables may be reduced from the existing requirement of Matriculation to Class - IX passed from recognized school.

Hence the Bill.

H. D. R. LYNGDOH,
Minister, Home etc.

H. MYLLIEMNGAP,
Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The additional expenditure will be involved from the Consolidated Fund of the State for implementing the provision of this proposed enactment.



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ORDERS BY THE GOVERNOR

NOTIFICATION

The 5th September, 2012.

No.LB.61/LA/2012/3.—The Meghalaya Compulsory Registration of Marriage Bill, 2012 introduced in the Meghalaya Legislative Assembly on the 5th September, 2012 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA COMPULSORY REGISTRATION OF MARRIAGE BILL, 2012

A

Bill

To provide for compulsory registration of marriage in the State of Meghalaya and for matters connected therewith;

Whereas, it is expedient to provide for compulsory registration of marriages in the State of Meghalaya;

Whereas further it is mandatory for married man and married women to compulsorily furnish a marriage certificate for all official purposes;

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows :

Short title, extent and commencement. 1. (1) This Act may be called the Meghalaya Compulsory Registration of Marriages Act, 2012.
(2) It extends to the whole of Meghalaya.
(3) It shall come into force on such date as the state Government may, by notification in the Official Gazette, appoint.

Definitions. 2. In this Act, unless the context otherwise requires:-
(a) "Act" means the Meghalaya Compulsory Registration of Marriage Act, 2012;
(b) "marriage" includes all marriages contracted by persons belonging to any caste, tribe or religion, and the marriages contracted as per any customs, practices or traditions, and also includes re-marriages and live in relationship.
(c) "memorandum" means a memorandum of marriage mentioned in Section 5 of this Act;
(d) "prescribed" means a prescribed by rules made under this Act;
(e) "register" means a register of marriages maintained under this Act;
(f) "Register" means a Register of marriages appointed under this Act;
(g) "Register General of Marriages" means the Secretary to the Government of Meghalaya in the Excise, Registration, Taxation and Stamps Department, ex-officio;
(h) "State Government" means the Government of the State of Meghalaya; and
(i) "to contract a marriage" means to solemnize or enter into a marriage in any form or manner, in accordance with any religious, custom, practices or traditions in force.

Every Marriage in the State to be registered. 3. After the date on which the provisions of this Act have been brought into force under sub-section (3) of Section 1, every marriage contracted in the State shall be compulsorily registered in the manner provided in Section 5 and such marriage certificate shall be required for all official purposes.

Appointment of Registrars of Marriages. 4. The State Government may appoint, one or more officer of the Government as it thinks necessary, to be Registrars of Marriages for such local areas as it may specify.

Memorandum of Marriage. 5. (1) The parties to a marriage to which Section 3 applies, shall prepare and sign a memorandum in the form as may be prescribed and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area within a period of thirty days from the date of the marriage.

(2) The memorandum shall also be signed by the bride and the bridegroom and two witnesses from each side.

(3) The memorandum shall be accompanied with a fee as may be prescribed.

(4) the Registrar shall maintain a register of such marriages in such form as may be prescribed and on receipt of the memorandum, he shall file the same in the register and shall also send the duplicate copy thereof to the Registrar General of marriages.

Memorandum of Marriage submitted after 30 days.

6. (1) A memorandum regarding any particular marriage may be submitted to the Registrar even after the expiry of the thirty days as specified in sub- section (1) of Section 5. However, such memorandum shall be in the form,, and shall be signed, as provided for in Section 5 and shall be accompanied with such fee, as may be prescribed. On receipt of such memorandum, the Registrar shall file the same in the Register and shall also send the duplicate copy thereof to the Registrar General as provided in Section 5.

(2) Nothing contained in sub- section (1) shall effect or absolve the liability of any person who has willfully omitted or neglected to deliver or send the memorandum within the period specified in sub-section (1) of Section 5 to any penalty under Section 14.

Marriage Certification to be given to the couple.

7. (1) The Registrar shall , as soon as the registration of marriage has been completed, give free of cost, to the couple a certificate of registration of the marriage in the form as may be prescribed under his hand and seal.

(2) Such certificate issued by the Registrar shall be the conclusive proof of registration of the said marriage.

Registrar to keep registers in the prescribed form.

8. (1) Every Registrar shall keep in the prescribed form a Register of Marriage made in the area under his jurisdiction.

(2) The Registrar-General shall from time to time cause to be printed and supplied to the Registrars sufficient number of registers in the prescribed form.

Search of Register.

9. (1) Subject to any rules made in this behalf by the State Government including the rules relating to payment of fees any person may-

(a) cause a search to be made for any entry in the Register of Marriage; and

(b) obtain an extract from such Register.

(2) all extracts given under sub-section (1) shall be signed by the Registrar concerned and shall be admissible as evidence in any court of law for the purposes of establishing the fact of marriage to which the entry relates.

Register to be open for public inspection.

10. The register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts there from shall on application be given by the Registrar on payment by the applicant of a fee as may be prescribed for each such extract.

Registrar to send periodical returns to the Registrar General for compilation.

11. Every Registrar shall send to the Registrar-General or to any officer specified by him at such intervals and in such form as may be prescribed, a return regarding entries of marriage registration in the Register kept by such Registrar.

Non-registration not to invalidate marriage.

12. No marriage contracted in the State of Meghalaya prior to this Act shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.

Penalty for failing to Register a Marriage.

13. Any Registrar who fails to register a marriage pursuant to section 5 or section 6 shall on conviction be punished with simple imprisonment for a term which may extend to three months or fine which may extend to five hundred rupees or both.

Penalty for neglecting to comply with the provisions of section 4, 5 and 6 or for making false statement in Memorandum.

14. Any person who -

- (a) willfully omits or neglects to get his or her marriage registered under this Act as required under section 3; or
- (b) willfully omits or neglects to deliver or send the memorandum as required by section 5 or 6; or
- (c) makes any statement in such memorandum which is false in any material particulars and which he knows or has reason to believe to be false.

Shall, on conviction be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both.

Penalty for secreting, destroying or altering Register.

15. Any person, destroying or dishonestly or fraudulently altering the register or any part thereof shall, on conviction, be punished with simple imprisonment for a term which may extend to six months and shall also be liable to fine.

Offences under this Act summarily triable by a Magistrate.

16. An offence under this Act shall be tried summarily by the Judicial Magistrate of the First Class, in accordance with the procedure as laid down in the Code of Criminal Procedure, 1973.

Cognizance of offence under the Act.

17. No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by the Registrar of the area concerned or by an officer authorized by the Registrar-General of Marriages as the Case may be.

Registrar to be public servant.

18. Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 186G (No. XLV of 1860).

Protection for action taken in good faith.

19. No suit, prosecution or other legal proceedings shall lie against the State Government, the Registrar General of Marriages, any Registrar or any person exercising any power or performing any duty under this Act, for anything which is done or intended to be done in good faith in pursuance of this Act or any rules or orders made thereunder.

Power to make rules.

20. (1) The State Government may, by notification in the Meghalaya Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

(a) the duties and powers of the Registrar General of Marriages and the Registrars;

(b) the forms and the manner in which memorandum under sections 5 and 6 shall be filed and registers or records required to be kept by or under this Act shall be maintained.

(c) the custody in whom the registers and records are to be kept and preservation of such registers and records;

(d) the fees to be paid under the Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Meghalaya.

Application of other laws not barred.

21. Save as otherwise provided the provisions of this Act shall be in addition to and not in derogation of any existing law in force.

STATEMENT OF OBJECT AND REASONS

The State Government has decided to enact law for compulsory registration of marriage in the State.

Hence, the Bill.

DR. MUKUL SANGMA,
Chief Minister.

H. MYLLIEMNGAP,
Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

No additional expenditure from the consolidated fund of the State Meghalaya may be involved as it will be implemented by the existing officials of the Government.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 20 of the Bill empowers the State Government to make rules to carry out the purposes of the enactment which are matter of detail and are of normal character.



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MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 5th September, 2012.

No.LB.62/LA/2012/3.—The Meghalaya Excise (Amendment) Bill, 2012 introduced in the Meghalaya Legislative Assembly on the 5th September, 2012 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA EXCISE (AMENDMENT) BILL, 2012

A

Bill

further to amend the Meghalaya Excise Act (Assam Excise Act No. 1 of 1910 as adapted and amended by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Meghalaya Excise (Amendment) Act, 2012.
- (2) It shall come into force at once.

**Amendment of
section 58 of
Meghalaya Excise
Act (Assam No. 1
of 1910)**

2. In section 58 of the Meghalaya Excise Act (Assam Act No. 1 of 1910 as adapted and amended by Meghalaya), in offences referred to in clause (a), after sub-clause (iii), the following, new clauses (iv) and (v) shall be inserted, namely,

“(iv) a bottling plant or distillery or brewery or winery or company with fine which shall not be less than ₹ 5,000/- but which may extend upto ₹ 25,000/-”

“(v) a bottling plant or distillery or brewery or winery or company with fine which shall not be less than ₹ 50,000/- but which may extend upto ₹ 3,00,000/-”

STATEMENT OF OBJECT AND REASONS

Meghalaya Excise Act under Section 58 of the said amendment specified the type of licenses and the amount penalty fixed for each type of licenses for violation of. Section 58 (a) and (b). However, bottling plants/distillery/brewery/winery/company has not been included in the above Act. Therefore, cases of violation of Section 58 (a) and (b) by the firms cannot be charged and tried. Therefore Govt. decided that any violation/offences committed by the bottling plants/distillery or winery or company a fine ranging from ₹ 5,000/- to ₹ 25,000/- and ₹ 50,000/- to ₹ 3,00,000/- shall be imposed.

Hence the Bill.

A. T. MONDAL,

Minister I/c. Excise

H. MYLLIEMNGAP,

Secretary,

Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

No expenditure will be incurred if penalty fixed for each type of offences committed by the bottling plants/distillery or winery or company for violation of the Meghalaya Excise Act under Section 58 (a) of the proposed enactment is enforced.